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1300 I Street NW
Washington, D.C. 20005

In Re: Patent Term Extension
Application for
U.S. Patent No. 4,362,567

LETTER REGARDING IMPROPER PAPER

This is in response to the "Public Protest Against Term Extension Application for U.S. Patent No. 4,362,567," filed May 21, 1999.

The papers filed May 21, 1999 are returned herewith.

37 CFR 1.765(d) specifically states that submissions from third parties with respect to applications for patent term extension will be returned. This rule tracks the statutory intent that the determination of eligibility for extension of the patent term by the Commissioner be made on the basis of the application for patent term extension. See 35 U.S.C. § 156(e)(1). The provisions of 37 CFR 1.291 are not applicable to a patent term extension application. A cursory review of the papers filed May 21, 1999 reveals that the papers were not filed by the applicant for patent term extension and that they argue that applicant's calculation of the length of the extension is incorrect.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box Patent Ext.
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

Telephone inquiries related to this letter should be directed to the undersigned at (703) 305-9285.

A handwritten signature in cursive script, appearing to read "Karin Tyson", written over a horizontal line.

Karin Tyson
Senior Legal Advisor/Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Enclosure: "Public Protest," filed May 21, 1999

cc: John Isacson
Foley & Lardner
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3000 K Street NW
Washington DC 20007-5109